

AMENDED IN ASSEMBLY APRIL 24, 2002

AMENDED IN ASSEMBLY APRIL 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2497

Introduced by Assembly Member Negrete McLeod

February 21, 2002

An act to amend Section 89539 of, and to add Section 89533.1 to, the Education Code, relating to the California State University.

LEGISLATIVE COUNSEL'S DIGEST

AB 2497, as amended, Negrete McLeod. California State University: employees.

Existing law establishes the California State University and authorizes the operation of its various campuses under the administration of the Trustees of the California State University. Existing law allows an employee that is dismissed, suspended, or demoted for cause to request a hearing by the State Personnel Board. The hearing conducted by the board is required to follow the same procedure as in state civil service proceedings.

~~This bill would specify that the described procedure, includes, but is not limited to, the discovery procedure found in state civil service proceedings.~~

This bill would authorize a probationary employee who is rejected during the probationary period to ~~file a request for a hearing with appeal~~ to the board. The bill would require the ~~proceeding to be the same procedure and conducted in the same manner~~ board to review the appeal following the same procedures, and applying the same standards, as in

state civil service proceedings involving rejected probationers. *The bill would specify that this procedure includes, but is not necessarily limited to, the discovery procedure used in state civil service proceedings.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 89533.1 is added to the Education Code,
2 to read:

3 89533.1. A probationary employee who is rejected during the
4 probationary period may ~~request a hearing by~~ *appeal to* the State
5 Personnel Board by filing a request, in writing, with the board. The
6 ~~proceeding by the board shall be the same procedure and~~
7 ~~conducted in the same manner~~ *board shall review the appeal*
8 *following the same procedures, and applying the same standards,*
9 as in state civil service proceedings involving rejected
10 probationers.

11 SEC. 2. Section 89539 of the Education Code is amended to
12 read:

13 89539. (a) (1) Any employee dismissed, suspended, or
14 demoted for cause may request a hearing by the State Personnel
15 Board by filing a request, in writing, with the board within 30 days
16 of being served with the notice.

17 (2) The request may be on any one or more of the following
18 grounds:

19 (A) The required procedure was not followed.

20 (B) There is no ground for dismissal, suspension, or demotion.

21 (C) The penalty is excessive, unreasonable, or discriminatory.

22 (D) The employee did not do the acts or omissions alleged as
23 the events or transactions upon which the causes are based.

24 (E) The acts or omissions alleged as the events or transactions
25 upon which the causes are based were justified.

26 (b) The State Personnel Board shall hold a hearing, following
27 the same procedure, including, but not *necessarily* limited to, the
28 discovery procedure, as in state civil service proceedings, and shall
29 render a decision affirming, modifying, or revoking the action
30 taken. In a hearing, the burden of proof shall be on the party taking
31 the dismissal action.

1 (c) An administrative employee reassigned pursuant to Section
2 66609 may request a hearing by the trustees by filing a request for
3 a hearing, in writing, with the trustees within 30 days of being
4 served with the notice. The request may be on the grounds that the
5 required procedure was not followed or that the position to which
6 the employee is reassigned is not commensurate with his or her
7 qualifications. The trustees shall hold a hearing, and shall render
8 a decision affirming, modifying, or revoking the action taken.

9 (d) The State Personnel Board may bill the California State
10 University for the costs incurred in conducting hearings involving
11 employees of the California State University pursuant to Sections
12 89535 to 89542, inclusive.

